

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ROLAND C. ANDERSON,)	
)	
Plaintiff)	
)	
v.)	Civil Action No. 05-877 JJF
)	
GENERAL MOTORS CORPORATION,)	
)	
Defendant.)	

MOTION FOR EXTENSION OF TIME

Defendant General Motors Corporation (“GM”) respectfully requests a brief extension of time, up to and including November 8, 2007 in which to complete discovery and file its Motion for Summary Judgment. In support of this Motion, defendant states the following:

1. Discovery closed on October 12, 2007 and dispositive motions are currently due on or before November 9, 2007.
2. Defendant’s counsel seeks an extension to and including November 8, 2007 to complete discovery and December 8, 2007 to file its dispositive motion. This request is necessitated by defendant’s counsel being unable to successfully schedule plaintiff’s deposition. Specifically, plaintiff’s deposition was initially set by agreement of the parties for September 8, 2007.¹ However, after agreeing to this deposition, plaintiff filed a Motion to Stay the Deposition because he did not receive the written deposition notice seven (7) days prior to the deposition. Due to the Motion to Stay and an attempt to avoid unnecessary costs the deposition was cancelled and rescheduled.

¹ Defense counsel has had several discussions and sent letters requesting plaintiff’s deposition. However, plaintiff refused to agree to any deposition date until after the Motions to Stay were decided.

3. Plaintiff's deposition is currently set for this Wednesday, October 24, 2007. It was properly noticed prior to the close of discovery. In fact, at plaintiff's request counsel agreed to see if Mr. Tyndall's deposition could be taken on that date also. On Friday, October 19, 2007, plaintiff again filed objections to his deposition. Defense counsel respectfully submits that plaintiff is unnecessarily trying to delay his deposition and frustrate the discovery process by causing GM to incur unnecessary costs in dealing with constant motions to stay, appeals and refusals to appear for his deposition.

4. Counsel respectfully requests a brief conference with the Court and all parties to discuss this issue and reach a prompt resolution.

5. This extension is sought in good faith and not for the purpose of delay. In fact, counsel respectfully requests an expedited ruling, if at all possible, so that the scheduled deposition may go forward and counsel can prepare its dispositive motion.

6. *Pro se* plaintiff objects to this requested extension.

WHEREFORE, for the foregoing reasons, defendant respectfully requests a brief extension of time up, to and including, November 8, 2007 to complete discovery and December 8, 2007 in which to file its Motion for Summary Judgment. Counsel also requests a brief conference call between the Court and the parties to this issue may be resolved, and for such further relief as the Court deems necessary in the premises.

ECKERT SEAMANS CHERIN & MELLOTT,
LLC

/s/ Margaret F. England

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October 22, 2007

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing was served, by Facsimile,
on the following this 22nd day of October, 2007:

Roland C. Anderson
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Wilmington, DE 19804
Fax No. 302-633-1213

/s/ Margaret F. England

Margaret F. England (#4248)